

REMARKS

Entry of this Amendment in accordance with the provisions of 37 CFR § 1.116, is respectfully requested.

This Amendment is in response to the Final Office Action dated September 24 2004. Appreciation is expressed to the Examiner for the indication of allowable subject matter in claims 14, 15, 17, 18, 20, 21, 23 and 24.

By the present Amendment, claims 14, 17, 20 and 23 have each been rewritten into independent form to incorporate the unamended subject matter of their respective parent claims, 13, 16, 19 and 22. In light of the indication of allowable subject matter with regard to claims 14, 17, 20 and 23, if rewritten into independent form, entry of this Amendment and allowance of these new independent claims is respectfully requested. In addition, allowance of claims 15, 18, 21 and 24, respectively dependent upon claims 14, 17, 20 and 23, is also respectfully requested (noting that these claims have been amended to properly depend from the newly independent claims 14, 17, 20 and 23).

Also by the present Amendment, each of the independent claims 13, 16, 19 and 22 has been amended to clarify the invention, as will be discussed below.

Reconsideration and allowance of independent claims 13 and 16 over the 35 U.S.C. § 103 rejection based on Schacham-Diamand (USP 5,824,599) in view of Bronner (USP 5,792,703) is respectfully requested. With regard to this, each of the independent claims 13 and 16 has been amended to delete recitations regarding the adjacent conductive film including as a main constituent element either rhodium or platinum. It is noted that, in the Office Action, the Schacham-Diamand reference is relied for teaching a catalytic seed layer 18 comprised of platinum or rhodium.

However, since these materials have been deleted from claims 13 and 16, the Schacham-Diamand reference is no longer relevant concerning claims 13 and 16. Therefore, removal of the 35 U.S.C. § 103 rejection based on Schacham-Diamand and Bronner is respectfully requested.

Similarly, reconsideration and allowance of amended independent claims 19 and 22 over Bronner and Psaras (USP 4803539) is also respectfully requested. With regard to this, each of independent claims 19 and 22 has been amended to delete the limitation regarding rhodium. In the Office Action, Psaras is relied on for teaching a gate electrode utilizing rhodium as a main constituent. Since rhodium is a main constituent for a gate electrode or a second conductive film has been eliminated from the independent claims 19 and 22, it is respectfully submitted that the Psaras reference is not relevant to claims 19 and 22. Therefore, reconsideration and allowance of independent claims 19 and 22 over the combination of Bronner and Psaras is respectfully requested.

Entry of this Amendment is respectfully requested, notwithstanding the finality of the Office Action. With regard to the claims 14, 15, 17, 18, 20, 21, 23 and 24, it is noted that the present Amendment simply adopts the Examiner's suggestions for placing the claims in condition for allowance, which is completely in compliance with 37 CFR § 1.116. As for claims 13, 16, 19 and 22, these claims have been amended solely to delete material from the Markush grouping to eliminate materials found in the cited prior art. As such, the entry of the Amendment with regard to claims 13, 16, 19 and 22 should not require further search or substantial review in this matter since the Examiner has already considered all other terms found in the claims. Therefore,

entry of this Amendment in accordance of the provisions of 37 C.F.R. § 1.116, and allowance of all of the pending claims is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135 (Docket No. 500.39912CX1), and please credit any overpayment of fees to the same account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 
Gregory E. Montone
Reg. No. 28,141

GEM/dlt

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666